

AMENDMENTS TO THE DRAWINGS

The attached revised sheets of drawings include changes to FIG. 2A and FIG. 2C. These sheets replace the original sheets including FIG. 2A and FIG. 2C. Reference number (60) has been added to FIG. 2A, and reference numbers (60) and (66) have been added to FIG. 2C.

Attachment: Replacement sheets

REMARKS/ARGUMENTS

The present application has been reviewed in light of the Office Action dated May 28, 2008. Claims 1-20 are currently pending, of which claims 1, 6, 13 and 18 have been amended. Claims 10-12 and 16 having been withdrawn, Applicant respectfully requests early and favorable reconsideration of this application.

Applicant hereby affirms the provisional election of April 22, 2008. Per the provisional election thereof, Applicant has elected, with traverse, species 1 (claims 1-9, 13-15 and 17-20) directed to a device for joining a first body vessel with a second body vessel.

Claims 10-12 and 16 have been withdrawn from consideration herein. However, Applicant reserves the right to present withdrawn claims 10-12 and 16 in an appropriate Continuation/Divisional application.

Figures 2A and 2C are objected to for omitting reference signs mentioned in the description. Accordingly, FIG. 2A has been amended herein to include reference numeral 60, and FIG. 2C has been amended herein include reference numerals 60 and 66. Applicant respectfully submits that these amendments to FIG. 2A and FIG. 2C add no new matter, and are fully supported by the specification.

Claims 1-9, 13-15 and 17-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,387,235 to Chuter (hereinafter "Chuter"). Applicant respectfully submits that independent claims 1 and 13, as amended, are allowable over Chuter because Chuter fails to disclose each and every element of independent claims 1 and 13. Accordingly the rejection of independent claims 1 and 13, under 35 U.S.C. § 102(b) is respectfully traversed.

Pursuant to 35 U.S.C. § 102, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. Applicant respectfully submits that Chuter fails to disclose each and every element recited in claims 1 and 13 as required by 35 U.S.C. § 102.

Independent claims 1 and 13, as amended, each recite a device for joining a first body vessel and a second body vessel including, *inter alia*, an “anchor . . . for engaging the first body vessel” and “a plurality of needle anchors, wherein a needle anchor is attached to a distal end of a respective suture.”

An embodiment of the present application is illustrated in FIG. 2A below.

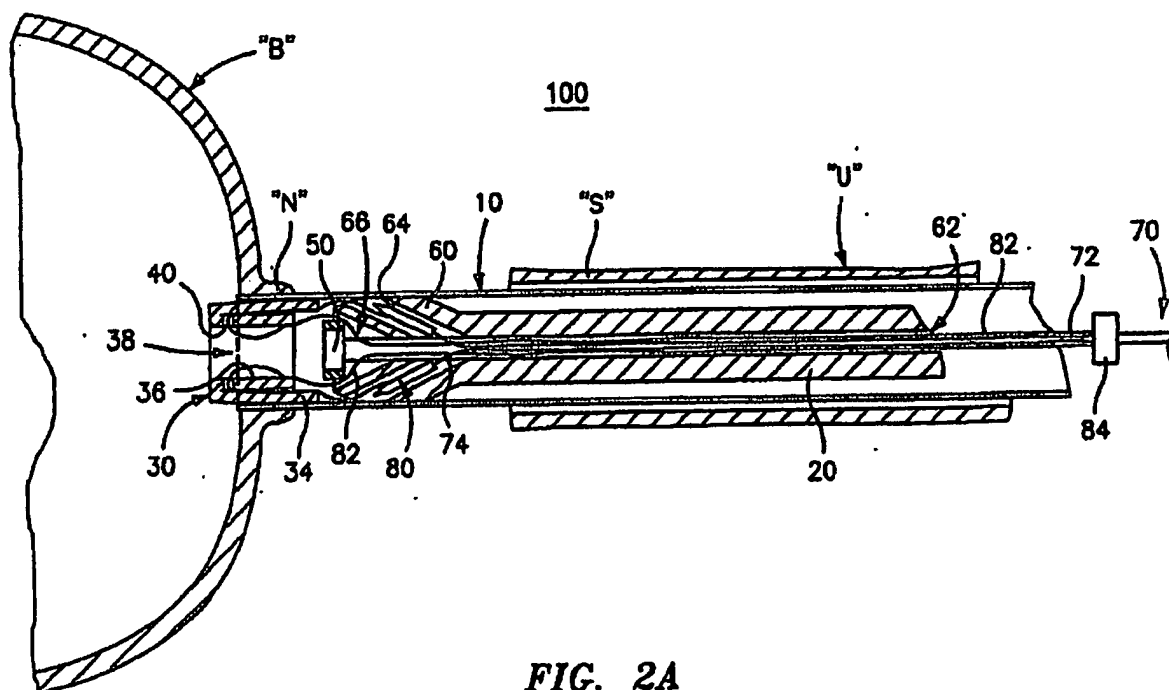
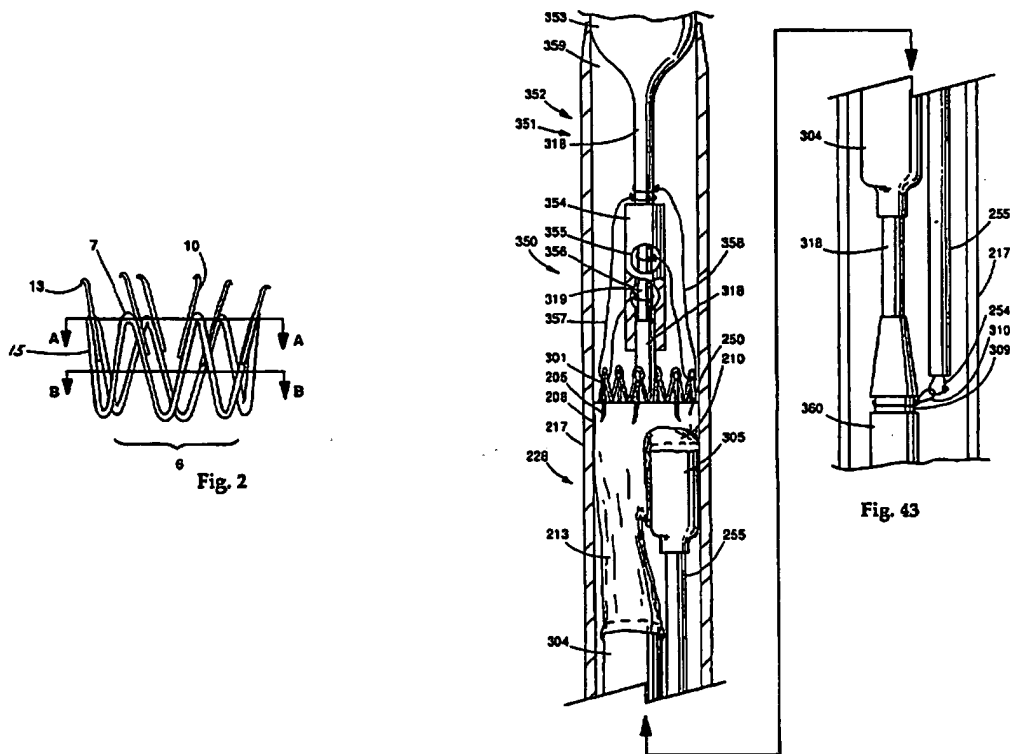


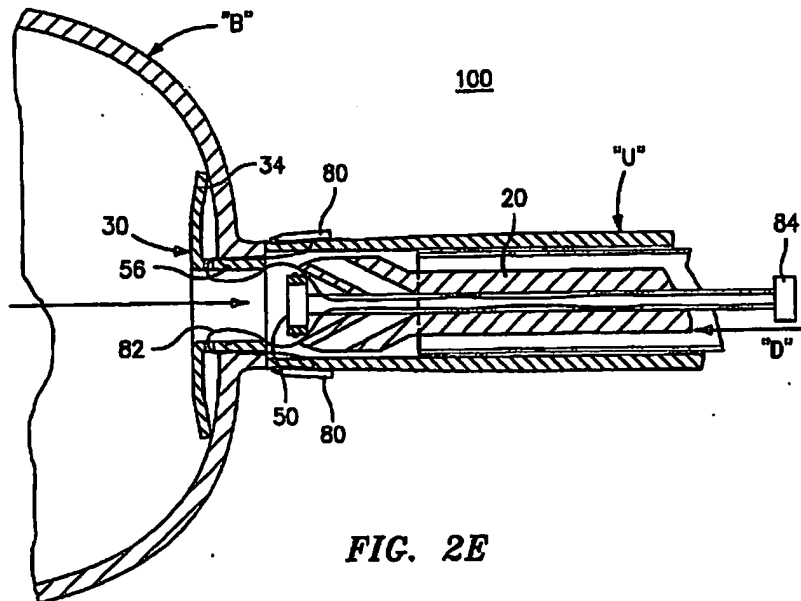
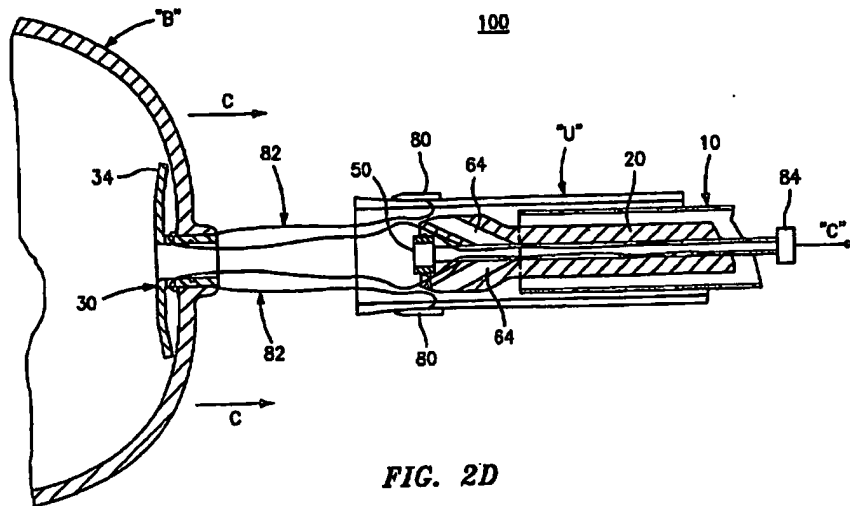
FIG. 2A

In contrast, Chuter discloses an apparatus for placing a transluminal graft including a main spring assembly (6, 301) having barbs (10, 205) attached thereto (see, e.g., FIG. 2 and FIG. 43 below).



The barbs (10, 205) are firmly and permanently attached to the spring (6, 301) by welding, brazing or a similar process (see col. 10, lines 24-28 and col. 17, lines 2-10). Opening the spring assembly (6) inside a blood vessel causes the barbs to “come into contact with and engage the wall of the blood vessel . . . to provide a more secure anchor in the direction of blood flow” (see col. 10, lines 31-39). The barbs (10, 205) disclosed by Chuter are integral to the main spring (6, 301) and serve to anchor the main spring (6, 301) in position. Therefore, the barbs (10, 205) and the main spring (6, 301) effectively form a single, integrated anchor. The integrated anchor does not serve as the “anchor” and the “plurality of needle anchors” required by independent claims 1 and 13.

The structure described by independent claims 1 and 13 allows, for example, the anchor (30) and the plurality of needle anchors (80) to approximate two separate body vessels as described in paragraph [0049] of the present application (see FIG. 2D and FIG. 2E below).



The anchor (30) may be anchored in the bladder "B" while the plurality of needle anchors (80) are anchored to the urethra "U," which is spaced apart from the bladder "B" as depicted in FIG. 2D. The anchor (30) and the plurality of needle anchors (80) may then be approximated to approximate the bladder "B" and urethra "U." This functionality is not maintained by the single, integrated anchor disclosed by Chuter.

As mentioned above, Chuter fails to show, disclose or teach a device for joining a first body vessel and a second body vessel including, *inter alia*, an "anchor . . . for engaging the first body vessel" and "a plurality of needle anchors, wherein a needle anchor is attached to a distal end of a respective suture," as recited in each of claims 1 and 13. In contrast, Chuter only discloses a single anchor, namely, the transluminal graft which includes a main spring assembly (6, 301) having barbs (10, 205) attached thereto.

Furthermore, Chuter does not disclose "a plurality of needle anchors, wherein a needle anchor is attached to a distal end of a respective suture" as recited in independent claims 1 and 13. Chuter discloses attachment sutures (357, 358) that are "looped through the opposite sides of the main spring assembly" (see col. 23, lines 61-62). Both of these sutures disclosed by Chuter are attached to the single, integrated anchor, and not to respective anchors as required by independent claims 1 and 13.

In light of the above, Applicant respectfully submits that each and every feature of the structure described in independent claims 1 and 13 is not taught, disclosed or contemplated by Chuter or the prior art references of record. Accordingly, applicant respectfully submits that independent claims 1 and 13 are patently distinguishable from Chuter, and therefore allowable over Chuter under 35 U.S.C. § 102.

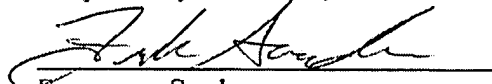
As claims 2-9 depend, directly or indirectly, from claim 1 and contain all of the features of claim 1, Applicant respectfully submits that claims 2-9 are also allowable over Chuter under 35 U.S.C. § 102. As claims 14-15 and 17-20 depend, directly or indirectly, from claim 13 and contain all of the features of claim 13, Applicant respectfully submits that claims 14-15 and 17-20 are also allowable over Chuter under 35 U.S.C. § 102.

In view of the amendments made to the claims herein, and in view of the remarks and arguments presented above, it is respectfully submitted that each of the rejections raised by the examiner in the present Office Action have been overcome. It is respectfully submitted that none of the references of record, considered individually or in any proper combination with one another, disclose or suggest the present invention as claimed.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, or resolve any outstanding matters, the Examiner is sincerely invited to contact the Applicant's undersigned representative at the number indicated below.

In view of the foregoing amendments and remarks, reconsideration of the application and allowance of claims 1-9, 13-15 and 17-20 is earnestly solicited.

Respectfully submitted,



Francesco Sardone

Reg. No. 47,918

Attorney for applicant

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road, Suite 225
Melville, New York 11747
Telephone: (631) 501-5700
Facsimile: (631) 501-3526

Attachment: